

International Service for Human Rights (ISHR) submission for the report on HRDs and climate change

April 2025

This submission is based on ISHR's experience working with environmental human rights defenders (EHRDs) which includes climate activists; and in the development of the Declaration+25, an authoritative supplement to the UN Declaration on human rights defenders (HRDs) that together form a comprehensive set of standards to protect the right to defend rights.

We use the term EHRDs to encompass individuals or groups who act to promote, protect, or strive for the realisation of the right to a clean, healthy and sustainable environment. In this sense, all forms of climate activism and the work of individuals and groups that defend or promote the protection of the environment, including Indigenous Peoples, scientists, journalists, and other groups working to combat climate change should be considered EHRDs.¹

1. Successes and positive trends

Climate activism has been fundamental to advance the climate agenda, with EHRDs playing a critical role² in addressing the triple planetary crisis (climate change, biodiversity loss and pollution). For example, the advocacy of the [Global Coalition](#) of Civil Society, Indigenous Peoples, Social Movements, and Local Communities for the Universal Recognition of the Human Right to a Clean, Healthy and Sustainable Environment was crucial to both the Human Rights Council (resolution 48/13) and UN General Assembly (resolution 76/300) recognising this right. Civil society advocacy also significantly contributed to three advisory opinion processes on climate change. The ITLOS issued its [opinion](#) in May 2024, while the Inter-American Court for Human Rights (IACrHR) and the International Court of Justice will render opinions this year. Civil society is currently advocating for the African Court on Human and Peoples' Rights to adopt an advisory opinion on climate change and human rights.

Other developments where activism has been crucial include the creation of mandate of the Special Rapporteur on EHRDs under the Aarhus Convention who has heeded calls for communications involving the criminalisation of climate activists in countries party to the agreement. In Latin America, EHRDs provided inputs and advocated for the adoption of the Escazu Agreement in 2018 and the adoption of the Plan of Action to implement the Agreement in 2024. National level advocacy has contributed to 17 Latin American countries ratifying the Escazú agreement. These

¹ The Special Rapporteur on Climate Change stated in her latest report that “States have heightened obligations to protect climate activists, scientists and journalists as environmental human rights defenders”. See “Access to information on climate change and human rights”, Report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change, General Assembly, Seventy-ninth session, A/79/176, 18 July 2024, [par. 54](#)

² On the critical role of EHRDs see UN Human Rights Council’s resolution 40/11 and UNGA’s resolution 78/216

developments reflect the growing legal frameworks strengthening protections for EHRDs and activists fighting climate change.

At a national level, Brazil ([Rio de Janeiro](#)), [Chile](#), [Colombia](#) and [Peru](#) have adopted legal instruments that specifically mention the protection of EHRDs. Moreover, national civil society has advocated for climate related litigation in various fora including:

- *Klima Seniorinnen v. Switzerland*: The ECtHR found Switzerland failed to protect the applicants from serious harms caused by climate change.
- *Community of La Oroya vs. Peru*: The IACrHR ruled on the procedural and substantive elements of the right to a healthy environment.

Finally, youth coalitions and groups have also led national and international climate litigation and advocacy,³ including expressing international solidarity⁴ in the context of climate change.

2. Risks and retaliation

Despite the fundamental role that environment and climate activism play in protecting the environment and combating climate change, risks and retaliation against EHRDs take different forms:

Criminalisation and judicial harassment: Particular crimes that have been used against activists include aggravated land occupation, criminal conspiracy, illicit association, trespassing and, most recently, terrorism. These are often followed by unusually harsh prison sentences and freezing assets. Additionally, Strategic Lawsuits Against Public Participation (SLAPPs) are increasingly used against those calling for phasing out fossil fuels or in cases involving critical minerals. [EarthRights](#) has identified at least 152 SLAPP cases by the fossil fuel industry in the United States. A recent example is the March 2025 [ruling](#) ordering Greenpeace to pay over \$600 million for alleged defamation and other claims linked to its opposition to the Dakota Access pipeline project.

Disproportionate use of force and civil disobedience: In response to governments' inaction on climate change, EHRDs have exercised their right to peacefully protest, including through civil disobedience.⁵ The Special Rapporteur on Environmental Defenders under the Aarhus Convention notes that civil disobedience is recognised by international law as an exercise of freedom of

³ For example, the 'Pacific Islands Students Fighting Climate Change (PISFCC)', <https://www.pisfcc.org/>; and 'Generation Justice' in Australia, <https://generationjustice.org.au/>

⁴ See '*International solidarity and climate change*', Report of the Independent Expert on human rights and international solidarity, Human Rights Council, Forty-fourth session, [A/HRC/44/44](#), 1 April 2020, par. 14

⁵ See "Exercise of the rights to freedom of peaceful assembly and of association as essential to advancing climate justice", Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, General Assembly, Seventy-sixth session, A/76/222, 23 July 2021, para. 11 and 64; See also <https://www.amnesty.org/en/wp-content/uploads/2024/02/ACT1074712024ENGLISH.pdf>

expression and peaceful assembly⁶ and that ‘all acts of civil disobedience are a form of protest, and, as long as they are non-violent, they are a legitimate exercise of this right.’⁷ However, often States have responded to civil disobedience by using disproportionate criminal, administrative and civil measures including excessive use of force, extensive investigation and surveillance.

Stigmatisation, delegitimisation and ‘labeling’: Negative narratives that form and strengthen stigma against EHRDs by framing them as ‘against development’, ‘anti-government’, ‘terrorists’, ‘traitors’, or even ‘uncivilized’ and ‘savage’ coupled with hate speech, disinformation and misinformation tools. These narratives create a foundation for state and non-state actors to justify unlawful actions including restrictive legislation. In addition, EHRDs also face climate change denial by certain groups, contributing to delegitimising their activism.

Physical violence and mental health risks: This includes assassinations, harassment, enforced disappearances, forced evictions and forced displacement. During the Declaration +25 consultation, mental health issues, depression, stress, fear, helplessness, burnout were identified as particular risks that EHRDs suffer. Youth and children have also expressed ‘climate anxiety’ and distress, often facing parental, or guardians’ restrictions limiting their activism in order to ‘protect’ them.

Instrumentalization of human rights language to create a false dichotomy between environmental protection and the rights to development, property and liberty, among others.

Non-rights respecting ‘green solution’: In a number of cases, measures ostensibly intended to protect the climate⁸ and the environment, including renewable energy projects, have resulted in significant human rights violations, including forced displacement of Indigenous Peoples.

Regressive laws legalising human rights violations such as land grabbing in Guatemala or weakened protections for Indigenous Peoples in Kenya⁹ have been adopted. This includes regressive and weak environment and climate legislation and policies, that benefit extractive and fossil fuels agendas instead of addressing the climate crisis.

⁶ ‘State repression of environmental protest and civil disobedience: a major threat to human rights and democracy’, Position Paper by Michel Forst, UN Special Rapporteur on Environmental Defenders under the Aarhus Convention, https://unece.org/sites/default/files/2024-02/UNSR_EnvDefenders_Aarhus_Position_Paper_Civil_Disobedience_EN.pdf

⁷ On this, the Declaration +25 clarifies that ‘non-violent’ or ‘through peaceful means’ should not be equated with ‘through [or by] lawful means’, as oppressive national laws may conflict with international law. Thus, actions unlawful under national law can still remain lawful under international law.

⁸ See “Impact of new technologies intended for climate protection on the enjoyment of human rights”, Report of the Human Rights Council Advisory Committee, 10 August 2023, <https://docs.un.org/en/A/HRC/54/47>

⁹ See ISHR “Report of consultations with human rights defenders as part of the Declaration +25 Project” 19 June 2024. ¶9, 30 <https://ishr.ch/wp-content/uploads/2024/06/2024-DeclarationPlus25-ReportOnConsultations.pdf>

Absence, lack of implementation and/or inefficacy of human rights laws and systems. This includes the following:

- Inadequate laws and mechanisms, not considering diverse identities, or not providing collective or adequate protection measures.¹⁰
- Complex procedures to obtain or renew protection measures or asylum.¹¹
- National Human Rights Institutions and international mechanisms do not have enforcement powers or sufficient resources to effectively protect human rights.

Limited capabilities, opportunities and support for HRDs, especially for newer, smaller or grassroots movements which includes a) Lack of legal assistance when EHRDs are criminalised, b) lack of internet connections, access, adequate equipment, tools and technology; c) lack of sustainable funding and financial resources, d) language barriers, e) difficult requirements to access international protection bodies, and f) obstacles to meaningfully participate in international and regional climate and environmental fora, including lack of access of information and transparency in the decision-making process.

Increasing power of non-state actors, particularly businesses: EHRDs often have to deal with “corporate capture” at national, regional and international policy and decision-making spaces, where businesses have clear conflict of interest and imbalance of power with other constituencies.

Reprisals: EHRDs are often subject to reprisals due to their UN advocacy and engagement. The most common forms include threats and intimidation, smear campaigns, surveillance and travel restrictions. Other forms include targeting family, friends and acquaintances, investigations and prosecutions, physical attacks, kidnappings, detention and imprisonment, administrative harassment, expulsion and denial of engaging with UN experts. Since 2010, the UN Secretary-General's annual reports¹² highlight reprisal cases against EHRDs and Indigenous Peoples working on environmental and climate issues engaging with UN human rights bodies and other platforms, including the Conference of the Parties (COP) and the UN Forum on Indigenous Issues. The fear of reprisals also has a chilling effect.

3. Recommendations

¹⁰ Defenders denounced that protection measures usually focused on providing “panic buttons” or other communication technologies meant to alert authorities of imminent risks. However, these only worked in urban contexts, and not in remote locations where internet access was limited – however, it was on these areas where WHRDs needed other forms of protection.

¹¹ For example, HRDs in Perú indicated that protection is only granted if HRDs prove they belong to an NGO or community

¹² Annual reports on reprisals for cooperation with the UN. Last accessed on 4/10/2025 <https://www.ohchr.org/en/reprisals/annual-reports-reprisals-cooperation-un>

States should support and protect EHRDs, prevent threats and attacks against them, and ensure access to effective remedy and justice, including through the following measures:

Protection

- Recognise that climate activists are EHRDs and play a vital role in achieving climate justice.
- Develop and implement national laws and policies to give full force and effect to the Declaration on HRDs and the Declaration +25.
- Guarantee online and offline safety and protection of EHRDs, particularly those at risk, detained, or subjected to violence, threats, retaliation, pressure, intentional or systematic exclusion, marginalisation, oppression, or other adverse action by State or non-State actors or targeted due to their identity, or human rights work, including land, environment, climate and Indigenous rights.
- Recognise how identity, work, and context increase risks for EHRDs and integrate an intersectional approach in all prevention and protection measures.
- Promote an enabling environment through legislation and policies integrating individual and collective approaches. This includes measures to guarantee that host countries promote an enabling environment before, during and after environment and climate conferences through publicly available host agreements. Ensure coordination between authorities to provide effective protection, including in hostile, remote and rural areas.
- Provide diplomatic protection for EHRDs at risk and use diplomatic channels to advocate for EHRD's rights.

Prevention

- Enact, and enforce laws and policies to protect the right to defend human rights individually or collectively and ensure that non-State actors, including businesses, respect rights and are held accountable for violations and abuses.
- Address structural conditions that exacerbate risks, including impunity, political instability and discrimination.
- Guarantee EHRDs meaningful consultation and participation in law and policy processes.
- Respect and guarantee the right to a Free, Prior and Informed Consent for Indigenous Peoples.
- Take necessary measures to protect EHRDs from stigmatisation and criminalisation. Refrain from using negative narratives against EHRDs and publicly support their work by acknowledging their harm in spreading disinformation and misinformation.
- Prohibit, sanction and prevent any attacks by State or non-State actors against EHRDs, their families and communities.
- Repeal laws or practices criminalising or restricting enjoyment of EHRDs' human rights.

- Ensure that national security and counter-terrorism laws, policies and practices are not vague, arbitrary or overbroad, and are not applied to limit the right to defend human rights.
- Recognise that civil disobedience is a legitimate form of exercising the rights of freedom of expression and peaceful protest. States should meet the legality, necessity and proportionality requirements when restricting these rights.
- Adopt anti-SLAPP legislation to prevent misuse of litigation against EHRDs
- Dismiss SLAPPs promptly.
- Ensure that EHRDs can seek, receive and use funding and other resources from all possible and existing sources, without unreasonable or arbitrary restrictions.

Remedy

- Ensure prompt, thorough, independent and impartial investigation of threats and attacks on EHRDs, and accountability and effective remedy for violations and abuses against them.
- Ensure access to an independent judiciary, including through specialised legal support services and legal aid in criminal cases related to EHRDs' work.
- Support emergency response mechanisms for EHRDs.
- Provide health and psychological support for EHRDs' exposed to trauma, ensuring accessibility and confidentiality.

Business enterprises¹³ including financial institutions and investors should:

- Identify potential human rights risks and adverse impacts that EHRDs may face, covering its own operations and through relevant business relationships, including its supply chain.
- Adopt and enforce policies to respect, protect, and support EHRDs with zero tolerance for reprisals, intimidation, threats and attacks on defenders.
- Respect the right to free, prior, and informed consent of Indigenous Peoples.
- Align their human rights and environment due diligence with the UN Guiding Principles on Business and Human Rights and other applicable guidelines that explicitly recognise risks to human rights defenders, including EHRDs.
- Refrain from using or contributing to the use of SLAPPs and any other type of judicial harassment.

International and Regional Human Rights bodies and mechanisms should, in consultation with EHRDs, adopt measures to uphold the right to defend human rights by ensuring timely, safe and adequate engagement including facilitating access to information; preventing, investigating,

¹³ For more recommendations for businesses *see* ISHR, "Indicators on how to track businesses' respect of the rights of human rights defenders", <https://ishr.ch/wp-content/uploads/2024/05/2024-BHRIndicators-ISHR-A4-web.pdf>

and ensuring accountability for intimidation or reprisals; and sanctioning perpetrators and promoting non-recurrence.